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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,340	03/01/2002	Alexander T. Rooker	2867/1	4103

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,340

Applicant(s)

ROOKER, ALEXANDER T.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14, 15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14, 15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the first office action for U.S. Application 10/086,340 for a Display Support filed by Alexander T. Rook on March 1, 2002.

Election/Restrictions

Claims 10-13 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,479,735 to Martin, Jr. Martin Jr. discloses a display support for releasably and rigidly holding a flat display. The display support has a base frame member (48) and first and second side frame members (50 and 52) extending upwardly from opposing ends of the base frame member. The frame members have a substantially U-shaped channel formed therein with the channel of the first frame member facing the channel of the second member. The channel in the base frame member faces upwardly to form a continuous channel (see col. 4, lines 23-27) and the display (or sign, 20) slides

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into and is supported by the channel defined by the frame members. The display support has a support means (16) for mounting the frame members on a supporting surface (14). Martin, Jr. also discloses a support means with a horizontal member (56) with first and second ends, whereby a vertical support member (58) is connected to the second end of the horizontal support member, extending upward therefrom and attached to the base frame member and an attachment means (12) is at the second end.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,954,083 to Leff et al. Leff et al. discloses a display support for releasably and rigidly holding a flat display (4). The display support has a base frame member (bottom of 3) and first and second side frame members (sides of 3) extending upwardly from opposing ends of the base frame member. The frame members have a substantially U-shaped channel (see col. 2, lines 34-37) formed therein with the channel of the first frame member facing the channel of the second member. The channel in the base frame member faces upwardly to form a continuous channel and the display slides into and is supported by the channel defined by the frame members. The display support has a support means (8) for mounting the frame members on a supporting surface and there is a horizontal bracket (1) with opposing ends connected to the first and second side members of the frame for mounting the frame members to the support structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leff et al. in view of U.S. Patent 5,027,537 to Freeman et al. Leff et al. does not disclose a bracket that includes apertures for mounting the frame to a support structure. Freeman et al. discloses a bracket (53) attached to a support structure (12 and 19). The bracket has holes for receiving fasteners that mount the two separate parts together. The bracket also has holes (66, 68, 71) for receiving fasteners to attach an accessory such as a license plate. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided holes in the bracket and supporting structure taught by Leff et al., as taught by Freeman et al, for the purpose of providing a secure means to mount the bracket and supporting structure (a fastener into the holes). It also would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided additional holes for receiving fasteners to secure an accessory.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leff et al. in view of U.S. Patent 2,062,553 to Campos. Leff et al. does not disclose an adjustable stabilizing member attached to the bracket for mounting the frame members to a support structure. Campos discloses a display support member with a base member

(16) and first and second side frame members (11). There is a supporting means (24 and 26) for mounting the frame members on a supporting structure and at least one adjustable stabilizing member (21) is attached to the rear of the frame members for attaching the frame members to the supporting structure. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have replaced the supporting structure (8) taught by Leff et al., with the supporting structure (24 and 26) and adjustable stabilizing member (21) taught by Campos, for the purpose of providing a means to adjust the angle of the display.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Leff et al. Martin Jr. does not disclose a horizontal bracket with opposing ends connected to the first and second side frame members. Leff et al. teaches a horizontal bracket attached to the rear first and second side frame members for supporting a display as discussed above. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a horizontal bracket on the U-shaped frame members taught by Martin, Jr., as taught by Leff et al., for the purpose of further supporting a display.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Leff et al. in further view of Campos. Martin Jr. in view of Leff et al. does not disclose at least one stabilizing member extending between the bracket and horizontal supporting member. Campos discloses a display support with stabilizing members as discussed above. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided stabilizing members on the back of the

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bracket taught by Martin Jr. in view of Jeff et al., as taught by Campos, for the purpose of stabilizing the display support.

Claim 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,620,579 to Dienes in view of U.S. Patent 1,534,223 to La Port.

Dienes discloses a display support for holding a flat display made up of a single sheet of material with apertures formed therein. There are straps (30) attached to the sheet of material with fasteners affixed to the end thereof for mounting the sheet material to a support structure. Dienes does not disclose straps inserted into the apertures in the sheet material.

La Port discloses a display supports with displays that have apertures (13, 32, or 33) for receiving a strap (14) or cord (30 or 31) to attach the display to a supporting structure. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized the means of attachment taught by La Port (straps extending through an aperture), rather than the means of attachment taught by Dienes, for the purpose of providing a simplified means of attaching the sign and supporting straps. La Port does not specifically disclose four horizontally, oriented rectangular apertures in the corner or pairs of vertically oriented rectangular apertures. However, the shape of the aperture and location of the apertures is a matter of engineering preference and would have been obvious to one of ordinary skill in the art at the time of the present invention. The number of apertures used is also a matter of engineering preference.

Claims 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Leff et al., in further view of Freeman et al. Martin, Jr. in view of Leff et al. discloses the all of the features of claim 15 (as discussed above with regards to claim 8) except a plurality of apertures formed in the single sheet of material and a fastener mounting the vertical support and the sheet material. Freeman et al. discloses a sheet of material with a plurality of apertures (four proximate to each corner and two vertically spaced pairs on opposing ends) that is mounted by a fastener to a vertical support. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a plurality of apertures in the sheet taught by Martin Jr. in view of Leff et al., as taught by Freeman et al., for the purpose of providing a secure means for mounting the display to the sheet material and the sheet material to the vertical support (via fastener). Martin, Jr. in view of Leff et al, in further view of Freeman et al. does not disclose rectangular apertures, however, the shape of the apertures is a matter of engineering preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Des. 290,378 to Anderson

U.S. Patent 6,487,802 B2 to Suen

U.S. Patent 5,615,503 to Current


U.S. Patent 6,374,523 B1 to Smith

U.S. Patent 5,237,763 to Ochoa


U.S. Patent 3,142,920 to Nelson et al.

The above patents all disclose various types of display supports.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.


Steven M. Marsh

June 21, 2003


Korie Chan

Primary Examiner